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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,210	05/30/2001	Scott Wolinsky	IT/02	7821
35070	7590	10/31/2006	EXAMINER	
ANATOLY S. WEISER 3525 DEL MAR HEIGHTS ROAD, #295 SAN DIEGO, CA 92130			NGUYEN, DAT	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

JS

Office Action Summary	Application No. 09/870,210	Applicant(s) WOLINSKY, SCOTT	
	Examiner Dat T. Nguyen	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) 3, 5, 6, 12, 14-16, 19, 21, 22, 28, 30-32, 36, 38-40, 42-44, 48, 50-52, 54-80, 84, 86, 87, 90, 92-94, 98, 100, 101, 104, 106-108, 111, 119, 129, 136, 142, and 148 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on June 6, 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment and response filed on June 6, 2005. Applicant amends claims 17 and 33, cancels claims 3, 5, 6, 12, 14-16, 19, 21, 22, 28, 30-32, 36, 38-40, 42-44, 48, 50-52, 54-80, 84, 86, 87, 90, 92-94, 98, 100, 101, 104, 106-108, 111, 119, 129, 136, 142, and 148, amends the drawings, and responds to claim rejections. Claims 1, 2, 4, 7-11, 13, 17, 18, 20, 23-27, 29, 33-35, 37, 41, 45-47, 49, 53, 81-83, 85, 88, 89, 91, 95-97, 99, 102, 103, 105, 109, 110, 112-118, 120-128, 130-135, 137-141, 143-147 and 149-155 are pending.

Drawings

2. The drawings were received on June 6, 2005. These drawings are accepted.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 7-9, 11, 13, 17, 18, 20, 23-25, 27, 29, 33-35, 37, 41, 45-47, 49, 53, 81-83, 85, 89, 91, 95-97, 99, 103, 105, 109, 110, 112, 113, 115-118, 120, 121, 123-125, 127, 128, 131, 132, 134, 135, 137-139, 141, 143-145, 147, and 149-155 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanskanen (U.S. 6,579,184) in view of Online MONOPOLY® and Stancill (U.S. 4,421,314).

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Tanskanen discloses a multi-player game system and method to play a game over a telephone or wireless telephone communication network where player inputs to the game(s) are dual-tone multi-frequency (DTMF) signals wherein an output display image for the multi-player game is displayed at each player's telephone game device based on player inputs. Tanskanen additionally discloses:

Regarding Claims 1, 2, 13, 17, 18, 29, 33, 35, 41, 45, 47, 53, 81, 82, 83, 91, 95, 96, 97, 105, and 155:

- inputting, by a player at one of a plurality of communication terminals (player's telephone, personal computer, or wireless telephone, etc.) connected via a communications link (by a phone line or a wireless communications network), an instruction (player input) to determine an outcome (game progression) (Abstract, Column 1, line 29-Column 2, line 28, Column 3, lines 6-21, 27-34, and 37-39, Column 4, lines 9-26, Column 5, lines 26-41, and Claims 1-5).

Regarding Claims 7, 8, 23, and 24:

- said signal is an inband signal transmitted over said communications link (Column 2, lines 1-5, Column 1, line 63-Column 3, line 21, Column 3, lines 45-58, and Claims 1-3). The DTMF player input signals transmitted and received by said player and other player's game devices are "inband" signals.

Although Tanskanen discloses game player inputs are decoded to transmit the output to the player's telephone game device, Tanskanen does not seem to explicitly disclose:

Regarding Claims 1, 17, 33, 45, 81, 83, 95, and 97:

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- randomly determining at said one terminal, a signal representing said outcome to send to each other terminal of said plurality of terminals for display; and
- displaying a game accessory at each terminal of the plurality of terminals, wherein the game accessory displayed at said each terminal of the plurality of terminals indicates the outcome and identifies the player who inputted the instruction.

Regarding Claims 4, 20, 37, 49, 85, and 99:

- said displayed outcome simulates a game accessory.

Regarding Claims 9, 25, 33, and 45:

- defining a plurality of identifiers use to differentiate between said terminals;
- determining at each of said terminals, from which terminal said signal originated; and
- indicating at each of said terminals, said outcome and originating terminal identifier.

Regarding Claims 11, 27, 34, and 46:

- each identifier is represented by a different color emitted by one or more LED's.

Regarding Claims 89 and 103:

- the displayed outcome enables a game player to indicate a bet.

Online MONOPOLY®, like Tanskanen, teaches of a traditional board game that can be played via a computer network. Online MONOPOLY® and Tanskanen are analogous art. Although Tanskanen discloses multi-player games such as chess, checkers, cards, as well as other commercially obtainable video games, Tanskanen does not explicitly disclose a game that progresses via a random outcome. However, the Online MONOPOLY® game progresses via random outcome (roll of simulated die). Furthermore, Online MONOPOLY® teaches:

Regarding Claims 1, 17, 33, 45, 81, 83, 95, and 97:

- randomly determining at said one terminal (simulated die roll), a signal representing said outcome to send to each other terminal of said plurality of terminals for display (the player's token will be highlighted and moved on the screen); and
- displaying a game accessory (simulated die) at each terminal of the plurality of terminals, wherein the game accessory displayed at said each terminal of the plurality of terminals indicates the outcome and identifies the player who inputted the instruction (the player's token will be highlighted and moved on each player's screen for each turn).

Regarding Claims 4, 20, 37, 49, 85, and 99:

- said displayed outcome simulates a game accessory (simulated die).

Regarding Claims 9, 25, 33, and 45:

- defining a plurality of identifiers (player's token) use to differentiate between said terminals;

- determining at each of said terminals, from which terminal said signal originated (when it is the player's turn, their respective token will be highlighted and moved upon clicking the roll dice button); and
- indicating at each of said terminals, said outcome and originating terminal identifier (player's token moves upon clicking the roll dice button).

Additionally, Stancill, like Online MONOPOLY® and Tanskanen, teaches of a board game apparatus that further distinguishes player pieces, chips, and die by having different color player pieces, chips, and die for each player. Stancill suggests:

Regarding Claims 11, 27, 34, and 46:

- each identifier is represented by a different color emitted by one or more LED's (Column 3, lines 40-57). Stancill distinguishes player pieces, chips, and die by having different color player pieces, chips, and die for each player.

Regarding claims 89 and 103, to one having ordinary skill in the art at the time of applicant's invention, it would have been obvious for a player to place a bet based on the outcome of the die before each turn in the combination of Tanskanen and Online MONOPOLY®. One would be motivated to do so because this would provide a side game making the main game more exciting.

It would have been obvious at the time of Applicant's invention to play an Online MONOPOLY® boardgame on Tanskanen multi-player game system utilizing Stancill's player distinguishing features. One would be motivated to do so since MONOPOLY® is

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a historically popular game and also to enhance the graphics on the display screen to make it easier for player's to distinguish between game tokens.

5. Claims 10, 26, 114, 122, 126, 133, and 140 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanskanen (U.S. 6,579,184) in view of Online MONOPOLY® and Stancill (U.S. 4,421,314) and further in view of Teshima et al. (U.S. 5,273,288).

Tanskanen in view of Online MONOPOLY® and Stancill teaches that as discussed above regarding claims 1, 2, 4, 7-9, 11, 13, 17, 18, 20, 23-25, 27, 29, 33-35, 37, 41, 45-47, 49, 53, 81-83, 85, 89, 91, 95-97, 99, 103, 105, 109, 110, 112, 113, 115-118, 120, 121, 123-125, 127, 128, 131, 132, 134, 135, 137-139, 141, 143-145, 147, and 149-155. Although Tanskanen discloses transmitting synthesized voice or other sounds to players, Tanskanen in view of Online MONOPOLY® and Stancill seems to lack explicitly teaching:

Regarding Claims 10, 26, 114, 122, 126, 133, and 140:

- conversing parties associated with said terminals can spontaneously set up and play a game without interfering with an ongoing conversation over said communications link.

Teshima et al., like Tanskanen, Online MONOPOLY® and Stancill, teaches of game(s) that can be played over a communications line, such as, a telephone line. Therefore, Tanskanen, Online MONOPOLY®, Stancill and Teshima et al. are analogous art. Furthermore, Teshima et al. teaches each player has a game board that is

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connected to a telephone line such that one player can play a game against another player in real-time over a telephone line. Teshima et al. additionally teaches:

Regarding Claims 10, 26, 114, 122, 126, 133, and 140:

- conversing parties associated with said terminals can spontaneously set up and play a game without interfering with an ongoing conversation over said communications link (column 3, lines 10-21).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Teshima's communication feature in Tanskanen in view of Online MONOPOLY® and Stancill. One would be motivated to do so because enabling players to converse during the game makes the game more entertaining and personally interactive.

6. Claims 88 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanskanen (U.S. 6,579,184) in view of Online MONOPOLY® and Stancill (U.S. 4,421,314) and further in view of McKay et al. (U.S. Pub. 2002/0082067).

Tanskanen in view of Online MONOPOLY® and Stancill teaches that as discussed above regarding claims 1, 2, 4, 7-9, 11, 13, 17, 18, 20, 23-25, 27, 29, 33-35, 37, 41, 45-47, 49, 53, 81-83, 85, 89, 91, 95-97, 99, 103, 105, 109, 110, 112, 113, 115-118, 120, 121, 123-125, 127, 128, 131, 132, 134, 135, 137-139, 141, 143-145, 147, and 149-155. However, Tanskanen in view of Online MONOPOLY® and Stancill seems to lack explicitly teaching:

Regarding Claims 88 and 102:

- the displayed outcome simulates a timer.

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Mckay et al. teaches of a trivia board game played on a personal computer.

Mckay et al. Tanskanen, Online MONOPOLY® and Stancill are analogous art since each teach of board games. Mckay et al. teaches:

Regarding Claims 88 and 102:

- the displayed outcome simulates a timer (13) (fig. 1).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Mckay's timer in Tanskanen in view of Online MONOPOLY® and Stancill. One would be motivated to do so to place a limit on the amount of time a player has to decide whether to purchase a property the player has landed on during their turn.

Response to Arguments

Applicant's arguments filed June 6, 2005 have been fully considered but they are not persuasive:

Applicant alleges Tanskanen fails to disclose a game wherein there are specific instructions to determine a random outcome. Examiner respectfully disagrees.

Tanskanen discloses the game type can be one of various games such as chess, checkers, or cards (col.4, lines 9-26). It is well known that popular card games such as blackjack, poker, or the like are considered games that are progressed by a random outcome. Furthermore, it should also be noted that the combination of Tanskanen in view of Online MONOPOLY® and Stancill would meet the limitations set forth by claims 1, 17, 33, 34, 45, 109, 117, 125, 132, 151-153, and 155 because online

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monopoly is well known in the art as a game that is progressed by a random outcome, the roll of dice.

Applicant alleges that Online MONOPOLY® displays the outcome on a simulated die while the player identification is displayed through the player's token which constitutes as two separate accessories while applicant's invention performs the operations of displaying outcome and player identification in one game accessory. Examiner respectfully disagrees. The combination of such operation is not deemed to be critical to patentability because no discussion is found on the specification. The two simulated game accessories of Online MONOPOLY® performs the same task and yields the same result as that of applicant's claimed invention.

Applicant alleges that Online MONOPOLY® fails to disclose the determination of the random outcome being conducted within the terminal. Examiner believes that the debate over where the operation of determining the random outcome is performed is not critical to patentability. Applicant has failed to disclose in the application any benefits that would result from performing the determination at the player terminal rather than anywhere else; therefore examiner believes it is a matter of design choice. Furthermore, Online MONOPOLY®, does not explicitly disclose the where the determination is to occur and therefore it could be determined in the player terminal or a gaming server, however the possibility is there and it would be a matter of design choice to one of ordinary skill in the art.

Applicant alleges Tanskanen fails to disclose transmitting outcome information using DTMF. Tanskanen does explicitly disclose the use of DTMF to transmit player

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inputs and therefore it would be reasonable to assume that other data transmission such as outcome would be transmitted using the same means.

Applicant alleges Stancill fails to suggest the limitation of using LEDs as terminal identifiers. Examiner respectfully disagrees. Examiner interprets previous examiner's action regarding this topic as being akin to official notice that it is well known in the art to use colored LEDs to identify different terminals in multi player games. Therefore, examiner cites Golad (U.S. 6,231,441 B1), which teaches the use of colored LEDs as a player identification means for a computer game device (col. 3, lines 26-67).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dat T. Nguyen whose telephone number is 5712722178. The examiner can normally be reached on M-F 8am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dat Nguyen


JOHN M. HOTALING, II
PRIMARY EXAMINER

Continuation of Disposition of Claims: Claims pending in the application are 1,2,4,7-11,13,17,18,20,23-27,29,33-35,37,41,45-47,49,53,81-83,85,88,89,91,95-97,99,102,103,105,109,110,112-118,120-128,130-135,137-141,143-147 and 149-155.

Continuation of Disposition of Claims: Claims rejected are 1,2,4,7-11,13,17,18,20,23-27,29,33-35,37,41,45-47,49,53,81-83,85,88,89,91,95-97,99,102,103,105,109,110,112-118,120-128,130-135,137-141,143-147 and 149-155.